IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

Case No. 4:23-cv-00014-M-KS

JEREMY GRAHAM,)	
Plaintiff,)	
v.)	ORDER
KINSTON POLICE DEPARTMENT,)	
Defendant.)	
)	

This matter comes before the court on the Memorandum and Recommendation ("M&R") of United States Magistrate Judge Kimberly A. Swank [DE 7]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), Magistrate Judge Swank recommended that the court dismiss Plaintiff's complaint as frivolous or for failure to state a claim upon which relief can be granted. Plaintiff filed an objection [DE 8]; however, he does not object to any specific portion of the M&R.

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); accord Mathews v. Weber, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* § 636(b)(1). Absent a specific and timely objection, as here, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiff's complaint is DISMISSED.

SO ORDERED this 25 day of September, 2023

RICHARD E. MYERS II

CHIEF UNITED STATES DISTRICT JUDGE